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Agenda item 96

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Argentina, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mauritius, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Spain, Sudan, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 1/ as well as the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-third session 2/ and taking note of the statement of the High Commissioner on 10 November 1992, 3/

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 12 (A/47/12).

2/ Ibid., addendum (A/47/12/Add.1).

3/ A/C.3/47/SR.34.

Recalling its resolution 46/106 of 16 December 1991,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the fundamental importance of the High Commissioner's international protection function and the need for States to cooperate with the High Commissioner in the exercise of this primary and essential responsibility,

Noting with satisfaction that one hundred and fourteen States are now parties to the 1951 Convention relating to the Status of Refugees 4/ and/or the 1967 Protocol relating to the Status of Refugees, 5/

Welcoming the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks,

Noting with concern that the number of refugees and displaced persons of concern to the High Commissioner as well as of other persons to whom her Office is asked to extend assistance and protection to has continued to increase and that their protection continues to be seriously jeopardized in many situations as a result of non-admission, expulsion, refoulement and unjustified detention, as well as other threats to their physical security, dignity and well-being, and lack of respect for fundamental freedoms and human rights,

Commending the continued efforts of the High Commissioner to improve the situation of refugee women and children who represent the majority of refugee populations and who, in many cases, are exposed to a variety of difficult situations affecting their physical and legal protection, as well as their psychological and material well-being,

Emphasizing the need for States to assist the efforts of the High Commissioner to search for durable and timely solutions to the problems of refugees based on new approaches that meet the current size and characteristics of these problems and are built on the respect of fundamental freedoms and human rights and internationally agreed protection principles and concerns,

Welcoming the commitment of the High Commissioner, bearing in mind her mandate and responsibilities, to explore and undertake activities aimed at preventing conditions giving rise to refugee outflows, as well as to strengthen emergency preparedness and response mechanisms and the concerted pursuit of voluntary repatriation,

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4/ United Nations Treaty Series, vol. 189, No. 2545.

5/ United Nations Treaty Series, vol. 606, No. 8791.

Commending those States, particularly the least developed among them, that, despite severe economic and development challenges of their own, continue to admit large numbers of refugees and displaced persons of concern to the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance, and through promotion of durable solutions,

Commending the High Commissioner and her staff for the dedicated manner in which they discharge their responsibilities, and paying special tribute to those staff members who have lost their lives in the course of their duties,

1. Strongly reaffirms the fundamental nature of the function of the United Nations High Commissioner for Refugees to provide international protection and the need for States to cooperate fully with her Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. Recognizes the increasing magnitude and complexity of present refugee problems, the risk of further refugee outflows in certain countries or regions and the challenges confronting refugee protection;

3. Emphasizes the need to keep issues related to refugees, displaced persons and asylum-seekers and other migratory flows firmly on the international political agenda, especially the question of solution-oriented approaches to deal with such contemporary problems and their causes;

4. Calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees contrary to the fundamental prohibitions against these practices, and urges States to ensure fair and efficient determination procedures for asylum-seekers and to continue to give humane treatment and to grant asylum to refugees;

5. Expresses deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including incidents of refoulement, expulsion, physical attacks and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection as well as humane treatment of asylum-seekers in accordance with internationally recognized human rights norms;

6. Acknowledges with appreciation progress made in the implementation of the Guidelines on the Protection of Refugee Women 6/ and calls on States, the High Commissioner and other parties concerned to cooperate in eliminating

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6/ See document EC/SCP/67, annex, of the Executive Committee of the Programme of the Office of the United Nations High Commissioner for Refugees.

all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers and in promoting their active involvement in decisions affecting their lives and communities;

7. Welcomes the appointment of a Senior Coordinator for Refugee Children, and reiterates the importance of promoting measures to ensure the protection and well-being of refugee children, in particular unaccompanied minors, in coordination with States and other international, intergovernmental and non-governmental organizations;

8. Welcomes also the High Commissioner's proposal to appoint an Environmental Coordinator responsible for developing guidelines and taking other measures for incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed countries in view of the impact on the environment of large numbers of refugees and displaced persons of concern to the High Commissioner;

9. Reaffirms the importance of attaining durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in third countries, as appropriate, and urges all States and relevant organizations to support the High Commissioner in her efforts to search for durable solutions to the problem of refugees and displaced persons of concern to her Office, primarily through the preferred solution of voluntary repatriation;

10. Underlines strongly State responsibility, particularly as it relates to the countries of origin, including addressing root causes, facilitating voluntary repatriation of refugees and the return, in accordance with international practice, of their nationals who are not refugees;

11. Notes the significant organized voluntary repatriation movements that have taken place in 1992, and calls on all States and relevant organizations to support the High Commissioner in continuing and further reinforcing her efforts to promote conditions conducive to voluntary return in safety and dignity;

12. Urges the High Commissioner to continue her efforts to involve international, national and intergovernmental development agencies, as well as non-governmental agencies, in the planning phases for voluntary repatriation so as to ensure that basic reintegration assistance is complemented by broader development initiatives focused on the areas of return;

13. Supports the strengthened efforts by the High Commissioner to explore protection and assistance strategies which aim at preventing conditions giving rise to refugee outflows and at addressing their root causes, and urges her to pursue such efforts bearing in mind fundamental protection principles and her mandate and in close coordination with Governments concerned and within an inter-agency, intergovernmental and non-governmental framework as appropriate;

14. Welcomes, in this context, efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of mandates and expertise of other relevant organizations;

15. Recognizes the importance of the promotion of refugee law as an element of emergency preparedness, as well as to facilitate prevention of and solutions to refugee problems, and calls upon the High Commissioner to continue to strengthen her Office's training and promotion activities;

16. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

17. Underlines the relationship between situations giving rise to refugee flows and lack of respect for human rights, and urges the High Commissioner to continue her efforts to increase cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant organizations;

18. Expresses concern regarding xenophobia and racist attitudes in segments of the population in a number of countries receiving refugees and asylum-seekers, which exposed them to considerable danger, and, therefore calls upon States and the Office of the High Commissioner to continue to work actively to promote broader understanding throughout national communities of the plight of refugees and asylum-seekers;

19. Welcomes progress made by the High Commissioner in her efforts to enhance the capacity of her Office to respond to emergencies and encourages her to continue to work closely with the Under-Secretary-General for Humanitarian Affairs, as well as other United Nations organizations and governmental, intergovernmental or non-governmental bodies, to assure a coordinated and effective response to complex, humanitarian emergency situations;

20. Expresses deep concern at conditions, in a number of countries or regions, which seriously endanger the delivery of humanitarian assistance, the security of the staff of the High Commissioner and other relief workers, deplores the recent loss of lives among the staff involved in humanitarian operations, and calls on States to take all necessary measures to ensure the safe and timely access for humanitarian assistance and the security of international and local staff undertaking humanitarian work in their countries;

21. Expresses deep appreciation for the generous humanitarian response of receiving countries, in particular those developing countries that, despite limited resources, continue to admit large numbers of refugees;

22. Urges the international community, including non-governmental organizations, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to continue to assist the countries referred to above and the High Commissioner in order to enable them to cope with the additional burden that the care of refugees and asylum-seekers represents;

23. Calls upon all Governments and other donors to contribute to the High Commissioner's programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Egypt, France, Gambia, Honduras, Indonesia, Jordan, Lebanon, Morocco, Pakistan, Qatar, Romania, Russian Federation, Sierra Leone and Yemen: draft resolution

New international humanitarian order

The General Assembly,

Recalling its resolutions 36/136 of 14 December 1981, 37/201 of 18 December 1982, 38/125 of 16 December 1983, 40/126 of 13 December 1985, 42/120 of 7 December 1987, 43/129 of 8 December 1988 and 45/101 of 14 December 1990 relating to the promotion of a new international humanitarian order,

Recalling also its resolutions 42/121 of 7 December 1987, 43/130 of 8 December 1988 and 45/102 of 14 December 1992 relating to the promotion of international cooperation in the humanitarian field,

Taking note of the reports of the Secretary-General 1/ and the comments made by various Governments, specialized agencies of the United Nations and non-governmental organizations,

Noting the actions being taken by the specialized agencies and programmes of the United Nations system with regard to humanitarian issues, examined by the Independent Commission on International Humanitarian Issues, that fall within their respective mandates,

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1/ A/47/352; A/45/524; A/43/734; A/41/472; A/40/348 and Add.1 and 2; A/38/450; A/37/145.

Convinced that solving humanitarian problems requires international cooperation and harmonization of actions taken by Governments, intergovernmental and non-governmental organizations as well as individuals,

Recognizing with concern the continuing need further to strengthen international responses to growing humanitarian challenges, and to undertake creative humanitarian action at both the international as well as the regional and national levels to alleviate human suffering and to promote durable solutions to humanitarian problems,

Recognizing further the need for active follow-up to the recommendations and suggestions made by the Independent Commission and the role being played in this regard by the Independent Bureau for Humanitarian Issues set up for the purpose,

1. Expresses its appreciation to the Secretary-General for his continuing active support to the efforts to promote a new international humanitarian order;

2. Urges Governments as well as governmental and non-governmental organizations that have not yet done so to provide their comments and expertise to the Secretary-General regarding the humanitarian order and the report of the Independent Commission on International Humanitarian Issues;

3. Invites Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them in order to indentify opportunities for future action;

4. Calls upon Governments, the United Nations system and intergovernmental and non-governmental organizations further to develop international cooperation in the humanitarian field;

5. Reiterates that international cooperation in the humanitarian field will facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

6. Invites the Independent Bureau for Humanitarian Issues to continue and further strengthen its essential role in following up the work of the Independent Commission;

7. Encourages the international community to contribute substantially and regularly to international humanitarian activities required to promote a new humanitarian order;

8. Requests the Secretary-General to remain in contact with Governments as well as governmental and non-governmental organizations and the Independent Bureau for Humanitarian Issues and to report on the progress made by them to the General Assembly at its forty-ninth session;

9. Decides to review at its forty-ninth session the question of a new international humanitarian order.

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Austria, Azerbaijan, Bangladesh, Belgium, Botswana, Burkina Faso, Chad, Chile, China, Djibouti, Dominican Republic, Egypt, Ethiopia, France, Guinea-Bissau, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Morocco, Netherlands, Norway, Philippines, Singapore, Sudan, Turkey, United Kingdom of Great Britain and Northern Ireland and Zambia: draft resolution

Assistance to refugees, returnees and displaced persons in Africa

Recalling its resolution 46/108 of 16 December 1991,

Having considered the reports of the Secretary-General 1/ and the United Nations High Commissioner for Refugees, 2/

Bearing in mind that most of the affected countries are least developed countries,

Convinced of the necessity to strengthen the capacity within the United Nations system for the implementation and overall coordination of relief programmes for refugees, returnees and displaced persons,

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1/ A/47/529.

2/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 12 (A/47/12).

Welcoming the prospects for voluntary repatriation and durable solutions across the continent,

Recognizing the need for States to create conditions conducive to the prevention of flows of refugees and displaced persons and to voluntary repatriation,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with appreciation the commitment of the countries concerned to do their utmost to facilitate the provision of assistance to the affected populations and to take the necessary measures in this regard,

Realizing the importance of assisting the host countries, in particular those countries that have been hosting refugees for a longer time, to remedy environmental deterioration and the negative impact on public services and the development process,

Recognizing the High Commissioner's mandate to protect and assist refugees and returnees and the catalytic role she plays, together with the international community and development agencies, in addressing the broader issues of development relating to refugees, returnees and displaced persons,

Bearing in mind the necessity to facilitate the work of humanitarian organizations, in particular the supply of food, medicine and health care to refugees, returnees and displaced persons, deploring acts of aggression against personnel of humanitarian organizations, particularly those that have led to loss of life, and stressing the need to guarantee the safety of the personnel of these organizations,

Deeply concerned about the critical humanitarian situation in African countries and in particular in the Horn of Africa caused by drought, conflict and population movements,

Welcoming regional efforts to resolve refugees problems such as the Declaration adopted at the Summit of the Heads of State and Government of the countries of the Horn of Africa on humanitarian issues, held at Addis Ababa on 8 and 9 April 1992, 3/

Taking into account the revised Special Emergency Programme for the Horn of Africa appeal of the Secretary-General,

Deeply concerned by the massive presence of refugees and externally displaced persons in Djibouti, representing more than 20 per cent of the total population of the country and by their uninterrupted influx due to the tragic situation in Somalia,

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3/ A/47/182, annex.

Also deeply concerned by the serious consequences of the presence of refugees and displaced persons to the already difficult economic and social situation in Djibouti, suffering from prolonged drought and the negative impact of the critical situation in the Horn of Africa,

Recognizing the fact that more than half of the refugees and externally displaced persons in Djibouti are located in Djibouti City in most serious difficulties and without direct international assistance, exerting an intolerable pressure on the limited resources of the country and the social infrastructure and causing in particular serious problems of security,

Also recognizing the need for cooperation between the Government of Djibouti and the Office of the High Commissioner and other relevant organizations to (a) find alternative solutions for the problem of refugees in Djibouti City and (b) to be able to mobilize the necessary external assistance to meet their specific needs,

Aware of the fact that the refugee population in the refugee camps across the country is in a precarious situation, facing the threat of famine, malnutrition and disease, and needs adequate external assistance for the provision of foodstuff, medical assistance and the necessary infrastructure for shelter,

Deeply concerned about the massive presence of refugees, voluntary returnees, displaced persons and demobilized soldiers in Ethiopia and the enormous burden this has placed on the country's infrastructure and meagre resources,

Deeply concerned also about the grave consequences this has entailed for Ethiopia's capability to grapple with the effects of the prolonged drought and rebuild the country's economy,

Aware of the heavy burden placed on the Government of Ethiopia and of the need for immediate and adequate assistance to refugees, voluntary returnees, displaced persons, demobilized soldiers and victims of natural disasters,

Deeply concerned about the burden that has been placed on the Government and people of Kenya because of the continuing influx of refugees from strife and famine-stricken neighbouring countries,

Recognizing the great contribution and sacrifices the Government of Kenya has made and continues to make to deal with this situation while facing deteriorating conditions caused by the impact of the long drought that has affected its own population,

Emphasizing the importance and necessity of continuing assistance to the estimated over half a million refugees and diplaced persons in Kenya until such time as this situation has changed,

Deeply concerned about the tragic impact the civil war in Somalia continues to have on the lives of its people, affecting 4 to 5 million people, who are either refugees in neighbouring countries or internally displaced and are in need of urgent humanitarian assistance,

Aware that the voluntary repatriation of large numbers of Somali refugees in neighbouring countries and elsewhere, as well as the return of internally displaced persons to their homes of origin, would require a planned and integrated international assistance programme designed to cover their basic needs, ensure adequate reception arrangements and facilitate their smooth integration into their respective communities,

Convinced that it is necessary that humanitarian assistance to Somali refugees, returnees and displaced persons be mobilized urgently and delivered without delay in view of the deteriorating situation of the displaced persons and returnees and the mounting pressure the refugees continue to place on the host countries,

Recognizing the fact that the Sudan is hosting large numbers of refugees over an extended period of time,

Aware of the economic difficulties facing the Government of the Sudan, and the need for adequate assistance for the refugees and displaced persons in the Sudan and the rehabilitation of the areas in which they are located,

Encouraging the efforts undertaken by the Government of the Sudan and the Office of the High Commissioner towards voluntary repatriation of large numbers of refugees to their homelands,

Deeply concerned about the plight of Sudanese refugee children, particularly the problem of unaccompanied minors, and emphasizing the need for their protection, well-being and reunification with their families,

Considering that the repatriation and reinsertion of returnees and relocation of displaced persons is aggravated by natural disasters and poses serious humanitarian, social and economic problems to the Government of Chad,

Cognizant of the appeal to Member States and intergovernmental and non-governmental organizations to continue to provide the necessary assistance to the Government of Chad to alleviate its problems and improve its abilities to implement the programme of repatriation, reinsertion and relocation of voluntary returnees and displaced persons,

Noting with appreciation the continuing mediatory efforts of the Economic Community of West African States to find a peaceful solution to the Liberian crisis, and the important decision incorporated in both the Yamoussoukro IV Accord of 29 October 1991 and the Final Communiqué of the Authority of Heads of State and Government of the Economic Community of West African States of 29 July 1992 aimed at a final settlement of the conflict,

Bearing in mind the findings and recommendations contained in the report of the Secretary-General on emergency humanitarian assistance to Liberian refugees, returnees and displaced persons, particularly the need to continue emergency relief operations since the security situation is not yet propitious for the conduct of large-scale voluntary repatriation,

Taking into account the special emergency appeal for displaced persons in Liberia by the Special Coordinator for Emergency Relief Operations in Liberia,

Deeply concerned about the influx of internally displaced persons, returnees and refugees to Monrovia, and the enormous burden this has placed on the infrastructure and fragile economy of the country,

Also deeply concerned that, despite the efforts made to provide the necessary material and financial assistance for the refugees, returnees and displaced persons, the situation still remains precarious and has serious implications for the long-term national development of Liberia, as well as for those West African countries hosting Liberian refugees,

Recognizing the heavy burden placed on the people and Government of Malawi and the sacrifices they are making in caring for the refugees, given the country's limited social services and infrastructure, and the need for adequate international assistance to Malawi enabling it to continue its efforts to provide assistance to the refugees,

Gravely concerned about the continuing serious social, economic and environmental impact of the massive presence of refugees, as well as its far-reaching consequences for the country's long-term development process and environmental effects,

Bearing in mind the findings and recommendations of the 1991 inter-agency mission to Malawi, particularly on the need to strengthen the country's socio-economic infrastructure in order to enable it to provide for the immediate humanitarian relief requirements of the refugees, as well as the long-term national development needs of the country,

Convinced that, because of the serious economic situation and in particular because of the devastating drought in southern Africa, there is an urgent need for the international community to extend maximum and concerted assistance to southern African countries sheltering refugees, returnees and displaced persons,

Welcoming with appreciation the activities of the High Commissioner for the voluntary repatriation and reintegration of South African returnees, and hoping that the obstacles to the return of all refugees and exiles in conditions of safety and dignity will be removed without delay,

Recognizing the need to integrate refugee-related development projects within local and national development plans,

1. Takes note of the reports of the Secretary-General 1/ and the High Commissioner for Refugees; 2/

2. Commends the Governments concerned for their sacrifices and for providing assistance to refugees, returnees and displaced persons and their efforts to promote voluntary repatriation and other measures taken in order to find appropriate and lasting solutions;

3. Expresses deep concern at the serious and far-reaching consequences of the presence of large numbers of refugees and displaced persons in the countries concerned and the implications for their long-term socio-economic development;

4. Expresses its appreciation to the Secretary-General, the High Commissioner for Refugees, the specialized agencies of the United Nations, the International Committee of the Red Cross, donor countries and intergovernmental and non-governmental organizations for their assistance in mitigating the plight of the large number of refugees, returnees and displaced persons;

5. Expresses the hope that additional resources will made available for general refugee programmes to keep pace with refugee needs;

6. Appeals to Member States, international organizations and non-governmental organizations to provide adequate and sufficient financial, material and technical assistance for relief and rehabilitation programmes for the large number of refugees, voluntary returnees and displaced persons and victims of natural disasters;

7. Requests all Governments, intergovernmental and non-governmental organizations to pay particular attention to the special needs of refugee women and children;

8. Calls upon the Secretary-General and the High Commissioner and other United Nations humanitarian agencies to continue their efforts to mobilize humanitarian assistance for the relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including for those refugees in urban areas;

9. Requests the Secretary-General to continue his efforts to mobilize adequate financial and material assistance for the full implementation of ongoing projects in rural and urban areas affected by the presence of refugees, returnees and displaced persons;

10. Requests the High Commissioner to continue her efforts with the appropriate United Nations agencies and intergovernmental, governmental and non-governmental organizations in order to consolidate and increase essential services to refugees, returnees and displaced persons;

11. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its forty-eighth session, under the sub-item "Questions relating to refugees, returnees and displaced persons", and an oral report to the Economic and Social Council at its regular session of 1993.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Belarus and Poland: draft resolution

Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling its resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988, 44/158 of 15 December 1989 and 45/152 of 18 December 1990,

Recalling also Commission on Human Rights resolutions 1986/18 of 10 March 1986, 1/ 1987/25 of 10 March 1987, 2/ 1988/28 of 7 March 1988, 3/ 1989/16 of 2 March 1989, 4/ and taking note of Commission resolution 1990/19 of 23 February 1990, 5/

1/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

2/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

3/ Ibid., 1988, Supplement No. 2 and corrigenda (E/1988/12 and Corr.1), chap. II, sect. A.

4/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

5/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

Recalling further its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature the Convention on the Prevention and Punishment of the Crime of Genocide annexed thereto,

Reaffirming once again its conviction that genocide is a crime that violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Recognizing that crimes of genocide have caused great losses and privations to mankind throughout its history,

Expressing its conviction that strict observance of the provisions of the Convention by all countries is necessary for the prevention and punishment of the crime of genocide,

Taking note of the report of the Secretary-General, 6/

1. Once again strongly condemns the crime of genocide;

2. Reaffirms the need for international cooperation in order to liberate mankind from such an odious crime;

3. Notes with satisfaction that more than 100 States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

4. Urges those States which have not yet done so to become parties to the Convention and to ratify it or accede thereto without further delay;

5. Invites the Secretary-General to submit a report on the status of the Convention to the General Assembly at its forty-ninth session.

6/ A/47/427.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Australia, Austria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Morocco, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/

1/ Resolution 217 A (III).

2/ Resolution 3452 (XXX), annex.

3/ Resolution 39/46, annex.

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 4/

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. Invites Governments to make contributions to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1992 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

7. Also expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;

8. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

4/ A/47/662.

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A

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Algeria, Colombia, Cuba, Ecuador, France, Greece, Guatemala, Guinea, Mali, Mexico, Morocco, Peru, Portugal, Russian Federation, Tunisia, Turkey, Uruguay and Zimbabwe: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

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/...

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements which has occurred, especially in certain parts of the world,

Recalling its resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Also recalling that the General Assembly, in its resolution 46/114 of 17 December 1991, requested the Secretary-General to submit a report on the status of the Convention to the Assembly at its forty-seventh session,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 6/

2. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

4. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

5. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention;

6/ A/47/429.

6. Decides to consider the report of the Secretary-General at its forty-eighth session under the item entitled "Human rights questions: implementation of human rights instruments".

UNITED NATIONS

A

General Assembly

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A/C.3/47/L.42
20 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Hungary, Iceland, Netherlands, New Zealand, Norway, Poland, Portugal, Spain and Sweden: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 46/111 of 17 December 1991, as well as its other relevant resolutions,

Reaffirming that the effective implementation of United Nations instruments on human rights is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 1/ to promote universal respect for and observance of human rights and fundamental freedoms,

Reaffirming also its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

1/ Resolution 217 A (III).

(b) Securing sufficient financial resources to overcome existing difficulties with the effective functioning of treaty bodies;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 2/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992, 3/

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990, 4/ and from 12 to 16 October 1992 respectively,

Expressing concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Taking note of the reports of the Secretary-General 5/ on progress achieved in enhancing the effective functioning of the treaty bodies,

Recalling the study 6/ on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, prepared by an independent expert, and aware of the need to update the study,

Welcoming the decision of the fourteenth meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to amend article 8, paragraph 6, of the Convention and to add a new article 8, paragraph 7, by which the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide during its forty-seventh session,

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2/ See A/44/98, sect. VII.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ See A/45/636, annex.

5/ A/44/539, A/46/503.

6/ See A/44/668, annex.

Welcoming also the decision of the Conference of the States parties to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to delete paragraph 7 of article 17 and paragraph 5 of article 18, to add a new paragraph 4 of article 18, by which the members of the Committee established under the Convention shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly shall decide, and to recommend that the General Assembly take action for the implementation of the proposed amendment at its forty-seventh session,

Welcoming the reports of the Secretary-General 7/ examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies,

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the independent expert be updated for submission to the fiftieth session of the Commission on Human Rights and that an interim report be presented to the General Assembly at its forty-eighth session, and be made available to the World Conference on Human Rights in June 1993;

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

7/ A/46/650, A/47/518.

5. Welcomes the emphasis placed by the meetings of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

6. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-eighth session;

7. Calls upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

8. Emphasizes that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;

9. Endorses the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination 8/ and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ and requests the Secretary-General:

(a) To take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995;

8/ Resolution 2106 A (XX), annex.

9/ Resolution 39/46, annex.

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

10. Requests the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

11. Also requests the Secretary-General, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women, to submit to the General Assembly at its forty-eighth session a report examining the conclusions and recommendations of the October 1992 meeting of persons chairing the human rights treaty bodies;

12 Decides to give priority consideration at its forty-eighth session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

UNITED NATIONS

A

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19 November 1992

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Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Australia, Bahamas, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Colombia, Côte d'Ivoire, Czechoslovakia, Democratic People's Republic of Korea, Denmark, El Salvador, Finland, France, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Indonesia, Ireland, Luxembourg, Madagascar, Mali, Malta, Mexico, Netherlands, Norway, Panama, Peru, Portugal, Romania, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam, Zambia and Zimbabwe: draft resolution

Implementation of the Convention on the Rights of the Child

The General Assembly,

Recalling its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,

Recalling also its resolution 46/112 of 17 December 1991 and Commission on Human Rights resolution 1992/75 of 5 March 1992, 1/

Noting the report of the Committee on the Rights of the Child 2/ on its first session, held at Geneva from 30 September to 18 October 1991, and the

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1/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

2/ A/47/41.

meeting of the States parties to the Convention on the Rights of the Child, held in New York on 11 November 1992,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Recalling the World Declaration on the Survival, Protection and Development of Children 3/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 3/ adopted at the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity to ensure the follow-up of the Summit at the national and international levels,

Having considered the report of the Secretary-General on the status of the Convention, 4/

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child; 4/

2. Recalls with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

3/ A/45/625, annex.

4/ A/47/428.

3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

5. Requests the Secretary-General to provide, from within existing resources, all facilities and assistance necessary for the dissemination of information on the Convention and its implementation, with a view to promoting further ratification of or accession to the Convention, as well as the full realization of its principles and provisions;

6. Emphasizes the importance of the strict compliance by States parties with their obligations under the Convention;

7. Appeals to States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law;

8. Recognizes the important role of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

9. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first session, including the adoption of the general guidelines regarding the form and contents of initial reports to be submitted by States parties;

10. Approves the recommendation contained in the resolution adopted by consensus at the meeting of the States parties to the Convention on the Rights of the Child on 11 November 1992, 5/ in which the States parties reaffirmed the recommendation made by the Committee on the Rights of the Child regarding the organization of the future work of the Committee on the basis of two sessions per year, each of up to three weeks' duration, as may be decided by the Committee in the light of its anticipated workload, and the establishment of a pre-sessional working group that would meet for one week approximately two months in advance of each session for a preliminary review of reports from States parties;

11. Authorizes the Secretary-General to implement this recommendation;

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child;

5/ A/47/667, annex.

13. Requests bodies and organizations of the United Nations, within the scope of their respective mandates, to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote its understanding and assist Governments in its implementation;

14. Invites intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention on the Rights of the Child to adults and children alike and promoting its understanding;

15. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention on the Rights of the Child;

16. Decides to consider the report of the Secretary-General at its forty-ninth session under the item entitled "Human rights questions".

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A

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19 November 1992

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Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION
OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, Romania, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, as well as its subsequent resolutions on the status of the Convention, most recently its resolution 45/142 of 14 December 1990, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1992/25 of 28 February 1992, 3/

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph, as paragraph 4 of article 18, stating that the members of the Committee established under the present Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees agaist torture and other cruel, inhuman or degrading treatment or punishment, 5/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Taking note of the decision of the Commission on Human Rights, in its resolution 1992/32 of 28 February 1992, 3/ to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

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3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

6/ Resolution 43/173, annex.

Noting with appreciation the holding of the first session of the open-ended working group of the Commission on Human Rights elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Welcomes the report of the Committee against Torture; 7/

2. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties as well as its practice of formulating concluding observations after the consideration of such reports;

6. Welcomes also the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

8. Reiterates its request to all States to become parties to the Convention as a matter of priority;

9. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

7/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 44 (A/47/44).

8/ A/47/ .

10. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-ninth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Decides to consider the reports of the Secretary-General and the Committee against Torture at its forty-ninth session under the subitem entitled "Human rights questions: implementation of human rights instruments".

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NATIONS

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Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Draft decision submitted by the Chairman

Award of human rights prizes in 1993

The General Assembly, on the recommendation of the Third Committee, considering that the year 1993 will mark the forty-fifth anniversary of the Universal Declaration of Human Rights, bearing in mind the need to promote the universal observance and enjoyment of human rights, and recalling its resolution 2217 (XXI) which approved the award of prizes in the field of human rights, decided: to request the Secretary-General to make the neessary arrangements for the award of human rights prizes in 1993, as envisaged in recommendation C of the annex to General Assembly resolution 2217 A (XXI) of 19 December 1966.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Programme budget implications of the draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" contained in document A/C.3/47/L.42

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in draft resolution

1. By operative paragraphs 7, 8 and 9 of draft resolution A/C.3/47/L.42 the General Assembly would:

> "7. Call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;
>
> "8. Emphasize that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;
>
> "9. Endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and request the Secretary-General:

"(a) To take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning in 1994-1995;

"(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force."

B. Relationship of requests to the approved programme of work

2. The requests contained in paragraph 1 above relate to subprogramme 1, Implementation of international instruments and procedures of programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997 1/ and to activities programmed under subprogramme 1 of section 28, Human rights, of the programme budget for the biennium 1992-1993. 2/

C. Activities by which the requests would be implemented

3. With regard to operative paragraph 9 of the draft resolution, which would endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4/ adopted by the respective States parties at their meetings on 15 January 1992 and 9 September 1992, the States parties also decided that the amendments should enter into force after approval by the Assembly and acceptance by two thirds of the States parties, which shall have so notified the Secretary-General as depositary. The full text of the amendments is found in the report of the Secretary-General (A/47/518) entitled "Implications of full funding for the operation of all human rights treaty bodies".

4. With regard to part (a) of operative paragraph 9 of the draft resolution, it should be recalled that the two committees in question are either partially or fully funded by assessments of States parties under specific scales of assessment. The Committee on the Elimination of Racial Discrimination is partially funded through assessments, i.e. only the travel and subsistence costs for the 18 members are covered by assessments. Conference-servicing costs, as well as staffing requirements are provided for under the regular budget. On the other hand, the Committee against Torture is fully funded through assessments, which include the travel and subsistence of the 10 members of the Committee, staffing requirements and the conference-servicing costs.

5. Should draft resolution A/C.3/47/L.42 be adopted and should the necessary ratification process be completed by the end of 1993, then beginning with the proposed programme budget 1994-1995 all requirements of these two committees would be provided for under the regular budget.

D. Additional requirements at full cost for the biennium 1994-1995

6. Should the General Assembly adopt draft resolution A/C.3/47/L.42, the full cost estimates of the funding of the two committees during the biennium 1994-1995 would be as follows:

	Convention on the Elimination of Racial Discrimination (1994-1995, at 1993 rates)	Convention against Torture (1994-1995, at 1993 rates)
Activities of treaty bodies		
	$	$
Travel and subsistence costs of members of the Committees		
18 members of the Committee on the Elimination of Racial Discrimination	475 000	
10 members of the Committee against Torture		231 600
Emoluments	140 000	80 000
Staffing requirements (1 P-4, 1 P-2, 1 GS)	-	556 800
Subtotal	615 000	868 400
Conference-servicing costs		
Four sessions of the Committees (two each year)	-	2 306 800
Meetings of States parties (biennial session in 1995)	-	54 200
Subtotal	-	2 361 000
Total	615 000	3 229 400

7. It should be noted that currently the substantive support to the Committee against Torture is provided by 1 P-4, 1 P-2 and 1 General Service, which in accordance with article 18, paragraph 3 of the Convention, are financed by the States parties. These staff resources will continue to be provided in 1994-1995 under the regular budget.

8. As discussed above, the States parties, in adopting amendments to the Conventions, also adopted similar amendments concerning the payment of honoraria. As detailed in the report of the Secretary-General (A/47/518) the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (art. 8, para. 7) and the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 18, para. 4) adopted the following amendment:

> "The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from the United Nations resources on such terms and conditions as the General Assembly may decide".

9. Therefore, should the General Assembly so decide, emoluments would also be required for the 18 members of the Committee on the Elimination of Racial Discrimination and 10 members of the Committee against Torture. Under the terms of General Assembly resolution 35/218 of 17 December 1980 an amount of $5,000 per year would be provided to the Chairman and $3,000 per year to each of the members of the two committees. However, in a recent report of the Secretary-General now before the General Assembly (A/C.5/47/45) it is proposed to increase the rates of honoraria by 25 per cent. Should this proposal be adopted, the amounts mentioned above would become $6,250 per year for the Chairman of the Committee and $3,750 for the other members. Therefore, subject to a decision by the Assembly, these amounts ($70,000 annually for the Committee on the Elimination of Racial Discrimination and $40,000 annually for Committee against Torture) have provisionally been included in the total full cost estimate.

10. With regard to part (b) of operative paragraph 9, it should be recalled that, in the case of the Committee on the Elimination of Racial Discrimination, non-payment by a number of States of their assessments has resulted in the cancellation or curtailment of the Committee's sessions in 1986, 1989 and 1990. This trend has continued in 1992, a year in which the lack of sufficient funds resulted in the cancellation of the Committee's spring session and the curtailment of its summer session from three to two weeks. In the case of the Committee against Torture, there has not been a cancellation or curtailment of the Committee's sessions as a result of insufficient funds. Although an increasing number of States parties have accumulated arrears in their assessment, it is expected that sufficient resources would be available in 1993, thus enabling the Committee against Torture to meet as scheduled.

11. In operative paragraph 7 of the draft resolution, the General Assembly would call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights and would request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective. It would, therefore, be the intention of the Secretary-General to forward as early as possible in January 1993 to the States parties to the two Conventions assessment letters calling on the States parties to pay their contributions urgently. In

addition, the Secretary-General would endeavour to seek voluntary contributions to help to cover any shortfall.

12. In the light of the above and at this time it is not, however, possible to ascertain whether or not the Committee on the Elimination of Racial Discrimination would have sufficient funds in 1993 to hold its scheduled two 3-week annual sessions. It is estimated that the net requirements representing travel and subsistence allowance of the 18 members of the Committee for these two sessions would be $236,800.

13. Should there continue to be insufficient collection of assessed contributions and should voluntary contributions be insufficient to cover any shortfall, the Secretary-General intends to consult the Advisory Committee on Administrative and Budgetary Questions at an appropriate time in the spring of 1993 on the measures that may need to be taken in order to ensure that the Committee on the Elimination of Racial Discrimination meets as scheduled in that year.

E. Summary

14. Should the General Assembly adopt resolution A/C.3/47/L.42, it is estimated at this stage that no additional appropriation would be required for 1993. The necessary additional provisions for the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture under the regular budget would be included in the proposed programme budget for the biennium 1994-1995.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II, as amended by A/47/6.

2/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. II.

3/ General Assembly resolution 2106 A (XX), annex.

4/ General Assembly resolution 39/46, annex.

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27 November 1992

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THIRD COMMITTEE
Agenda item 97 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Programme budget implications of the draft resolution entitled "Implementation of the Convention on the Rights of the Child" contained in document A/C.3/47/L.43

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. By operative paragraphs 10, 11 and 12 of draft resolution A/C.3/47/L.43 the General Assembly would:

> "10. Approve the recommendation contained in the resolution adopted by consensus by the meeting of the States parties to the Convention on the Rights of the Child on 11 November 1992, in which the States parties reaffirmed the recommendations made by the Committee on the Rights of the Child regarding the organization of the future work of the Committee on the basis of two sessions per year, each of up to three weeks' duration, as may be decided by the Committee in the light of its anticipated workload, and the establishment of a pre-sessional working group that would meet for one week approximately two months in advance of each session for a preliminary review of reports from States parties;
>
> "11. Authorize the Secretary-General to implement this recommendation;
>
> "12. Request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child".

B. Relationship of requests to the approved programme of work

2. The requests contained in operative paragraphs 10, 11 and 12 of draft resolution A/C.3/47/L.43 relate to subprogramme 1, Implementation of international instruments and procedures of programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997 1/ and to activities programmed under subprogramme 1 of section 28, Human rights, of the programme budget for the biennium 1992-1993. 2/

C. Additional requirements at full cost

3. With regard to operative paragraph 10 of the draft resolution on the organization of the future work of the Committee, it should be recalled that, under the terms of the Convention on the Rights of the Child adopted by the General Assembly in its resolution 44/25, the Committee on the Rights of the Child meets annually for a period of three weeks and that resources for one meeting in 1992 and one in 1993 have been provided in the programme budget for the biennium 1992-1993. However, the two pre-sessional working groups and the additional session of the Committee have not been programmed in the 1992-1993 programme budget. They would, thus, entail additional requirements as summarized below:

		(at 1993 rates) $
(a)	Travel and subsistence costs	
(i)	10 members of the Committee for a second session of up to three weeks	75 000
(ii)	5 members participating in the two pre-sessional working groups ($17,900 each)	35 800
	Total	110 800
(b)	Conference-servicing costs	
(i)	Second session of three weeks in 1993	892 900
	(Interpretation, 30 meetings: A, C, E, F, R, S)	
	(Pre-session documentation: 200 pages: A, C, E, F, R, S)	
	(In-session documentation: 20 pages: A, C, E, F, R, S)	

		(at 1993 rates) $
	(Post-session documentation: 20 pages: A, C, E, F, R, S)	
	(Summary records: 30 meetings: A, C, E, F, R, S)	
(ii)	Two pre-sessional working groups in 1993	114 000
	(Interpretation, 10 meetings each: A, C, E, F, R, S)	
	Total	1 006 900

D. Potential for absorption

Travel and subsistence costs

4. It should be recalled that, in the expectation that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would enter into force in 1993, the General Assembly approved, under section 28 of the programme budget for the biennium 1992-1993, an amount of $66,000 for travel and related costs for the initial 10 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, owing to the lower than anticipated number of ratifications, the Convention is not expected to enter into force in 1993 and therefore the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families will not be meeting in that year. It is therefore proposed to redeploy this amount in order partially to finance the proposed additional meetings of the two pre-sessional working groups and of the Committee on the Rights of the Child. Since this redeployment would still leave a shortfall of $44,800 ($110,000-$66,000), it is proposed to provide for this shortfall in the context of the revised estimates under section 28, Human rights, which will be submitted to the General Assembly during the course of this session.

5. In connection with operative paragraph 12 of the draft resolution, which would request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee, no additional staff resources are envisaged beyond what was originally approved by the General Assembly, that is, one P-4, one P-2 and one GS by its resolution 45/248 B VI of 21 December 1990.

Conference-servicing costs

6. The estimates of conference-servicing costs of $1,006,900 for 1993 are based on the theoretical assumption that no part of the conference-servicing

requirements would be met from within the permanent conference-servicing capacity under section 41, Administration and management, of the programme budget, and that additional resources would be required for temporary assistance for meetings. However, as indicated in the programme budget, the 1992-1993 level of resources for temporary assistance for meetings was estimated on the basis of previous experience to accommodate not only meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1992-1993 was consistent with the pattern of meetings in past years. On that basis, it is estimated that no additional resources would be required under the new section 41, Administration and management, of the programme budget for the biennium 1992-1993.

E. Summary of additional requirements

7. Accordingly, should the General Assembly adopt draft resolution A/C.3/47/L.43, it is estimated that an additional appropriation amounting to $44,800 would be required. However, this request will be formally submitted in the revised estimates that will be presented to the General Assembly under section 28, Human rights, of the programme budget for the biennium 1992-1993.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II, as amended by document A/47/6.

2/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. II.

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Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Cuba: draft resolution

Cooperation of the Government of Cuba with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission

The General Assembly,

Desiring to achieve further progress with regard to international cooperation in promoting and encouraging respect for human rights and fundamental freedoms, as the most suitable means of attaining that end,

Aware that the principles of objectivity, non-selectivity and impartiality should guide the work of the United Nations in establishing mechanisms and procedures for promoting, encouraging and respecting human rights,

Also aware of the collaboration of the Government of Cuba with the Commission on Human Rights in the fulfilment of its functions, including the Commission's mission that visited Cuba, and the collaboration with the Secretary-General in his good offices missions, which have been constructive, useful and positive,

Bearing in mind the commitment made by the Government of Cuba to cooperate with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission,

Taking into account the various reports submitted on the human rights situation in Cuba,

1. Considers that the various reports submitted on the human rights situation in Cuba show that the use of the procedures envisaged for serious situations of human rights violations in the world is unjustified;

2. Takes note with satisfaction of the commitment made by the Government of Cuba to cooperate with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission;

3. Requests the Commission on Human Rights to take due account of the present resolution in considering this question at its forty-ninth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Algeria, Argentina, Bangladesh, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Chad, China, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, Egypt, Ethiopia, France, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mexico, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Tunisia, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe: draft resolution

Right to development

The General Assembly,

Reaffirming the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 1/

Recalling its resolutions 45/97 of 14 December 1990 and 46/123 of 17 December 1991, and those of the Commission on Human Rights relating to the

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1/ Resolution 41/128.

right to development, and taking note of Commission resolution 1992/13 of 21 February 1992, 2/

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right, 3/

Recalling further the principles proclaimed by the Rio Declaration on Environment and Development of 14 June 1992, 4/

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Recalling its resolution 45/155 of 18 December 1990, in which it decided, inter alia, that one of the objectives of the 1993 World Conference on Human Rights would be to examine the relationship between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance to creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, 5/

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Having considered the comprehensive report of the Secretary-General prepared pursuant to resolution 46/123, 6/

1. Reaffirms the importance of the right to development for all countries, in particular the developing countries;

2/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22 and Corr.1).

3/ E/CN.4/1990/9/Rev.1.

4/ See A/CONF.151/26 (Vol. I), annex I.

5/ See resolution 2200 A (XXI), annex.

6/ E/CN.4/1991/12 and Add.1.

2. Takes note with interest of the comprehensive report of the Secretary-General prepared in accordance with General Assembly resolution 46/123;

3. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-eighth session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1992/13;

4. Reiterates the need for appropriate ways and means, such as an evaluation mechanism, to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. Requests the Office of the Under-Secretary-General for Economic and Social Development and the Centre for Human Rights of the Secretariat to continue coordination of the various activities with regard to the implementation of the Declaration;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Also urges the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreements for the implementation of the Declaration through international cooperation;

8. Requests the Secretary-General to inform the Commission on Human Rights at its forty-ninth session and the General Assembly at its forty-eighth session of the activities of the organizations, programmes and agencies of the United Nations system on the implementation of the Declaration;

9. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusion and recommendations of the Global Consultation and replies contained in the report of the Secretary-General prepared in accordance with the relevant decisions of the Commission and the General Assembly;

10. Also calls upon the World Conference on Human Rights and its Preparatory Committee to take fully into account the Declaration in examining the relationship between economic and social development, democracy and enjoyment of human rights and indivisibility and interdependency of economic, social, cultural and political rights, and the fact that the economic and

social progress facilitate the growing trend towards democracy and the promotion and protection of human rights;

11. Decides to consider this question at its forty-eighth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".